

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: William MacLure	Team: Squad #6	CCRB Case #: 201809895	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 11/23/2018 9:28 PM	Location of Incident: 362 Bronx Park Avenue; 48th Precinct stationhouse	Precinct: 48	18 Mo. SOL 5/23/2020	EO SOL 1/7/2021	
Date/Time CV Reported Wed, 11/28/2018 6:46 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 11/28/2018 6:46 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Obrian Barnett	18959	958290	048 PCT
2. POM David Ramirez	25053	962711	048 PCT
3. POM Rafael Santos	04863	964754	048 PCT
4. SGT Frank Amill	02290	941345	048 PCT
5. An officer			048 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Dominick Rodriguez	24406	962743	048 PCT
2. POF Kimberly Rose	20482	963245	048 PCT
3. POM Jordan Moses	24160	963174	048 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Rafael Santos	Abuse: In the vicinity of 362 Bronx Park Avenue in the Bronx, Police Officer Rafael Santos refused to provide his name to § 87(2)(b)	
B.POM Rafael Santos	Abuse: In the vicinity of 362 Bronx Park Avenue in the Bronx, Police Officer Rafael Santos refused to provide his shield number to § 87(2)(b)	
C.POM David Ramirez	Force: In the vicinity of 362 Bronx Park Avenue in the Bronx, Police Officer David Ramirez used physical force against § 87(2)(b)	
D.POM Rafael Santos	Force: In the vicinity of 362 Bronx Park Avenue in the Bronx, Police Officer Rafael Santos used physical force against § 87(2)(b)	
E.POM David Ramirez	Discourtesy: In the vicinity of 362 Bronx Park Avenue in the Bronx, Police Officer David Ramirez spoke discourteously to § 87(2)(b)	
F.POM Obrian Barnett	Force: In the vicinity of 362 Bronx Park Avenue in the Bronx, Police Officer Obrian Barnett used physical force against § 87(2)(b)	
G.POM Obrian Barnett	Abuse: In the vicinity of 362 Bronx Park Avenue in the Bronx, Police Officer Obrian Barnett threatened to arrest § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
H.SGT Frank Amill	Abuse: In the vicinity of 362 Bronx Park Avenue in the Bronx, Sergeant Frank Amill seized § 87(2)(b)s property.	
I.POM Rafael Santos	Abuse: In the vicinity of 362 Bronx Park Avenue in the Bronx, Police Officer Rafael Santos seized § 87(2)(b)s property.	
J.POM David Ramirez	Abuse: At the 48th Precinct stationhouse, Police Officer David Ramirez refused to provide his name to § 87(2)(b)	
K.POM David Ramirez	Abuse: At the 48th Precinct stationhouse, Police Officer David Ramirez refused to provide his shield number to § 87(2)(b)	
L.POM David Ramirez	Abuse: At the 48th Precinct stationhouse, Police Officer David Ramirez made sexually suggestive remarks regarding § 87(2)(b)	
M.POM Rafael Santos	Abuse: At the 48th Precinct stationhouse, Police Officer Rafael Santos made a sexually suggestive remark regarding § 87(2)(b)	
N. An officer	Off. Language: At the 48th Precinct stationhouse, an officer made remarks regarding § 87(2)(b) based upon his gender.	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

Case Summary

On November 28, 2018, § 87(2)(b) filed this complaint with the CCRB using the call processing system, on behalf of herself and her boyfriend, § 87(2)(b).

On November 23, 2018, at approximately 9:28 p.m., § 87(2)(b) was driving to drop § 87(2)(b) off at her home, located at § 87(2)(b) in the Bronx. In the vicinity of 362 Bronx Park Avenue, PO David Ramirez and PO Rafael Santos, of the 48th Precinct, stopped § 87(2)(b)'s vehicle and told him that he was speeding. § 87(2)(b) asked PO Santos for his name and shield number and he refused to provide the information while blinding her with a flashlight (**Allegation A: Abuse of Authority**, § 87(2)(g) **d; Allegation B: Abuse of Authority**, § 87(2)(g)). PO Ramirez obtained § 87(2)(b)'s license and the officers went back to their police vehicle. PO Ramirez and PO Santos returned to the vehicle and informed § 87(2)(b) that he was being placed under arrest because his license was suspended. PO Ramirez and PO Santos pulled § 87(2)(b) out of the vehicle and pushed him against the side of the vehicle (**Allegations C and D: Force**, § 87(2)(g)). PO Ramirez told § 87(2)(b) "Relax the fuck down," (**Allegation E: Discourtesy**, § 87(2)(g)). PO Ramirez, PO Santos and PO Dominick Rodriguez placed § 87(2)(b) into handcuffs. § 87(2)(b) attempted to run around the vehicle to § 87(2)(b). PO Obrian Barnett pushed § 87(2)(b) (**Allegation F: Force**, § 87(2)(g)) and threatened to arrest her if she attempted to interfere with § 87(2)(b)'s arrest (**Allegation G: Abuse of Authority**, § 87(2)(g)). PO Jordan Moses and PO Kimberly Rose responded to the incident location to provide back up for the officers. Sgt. Frank Amill responded and verified § 87(2)(b)'s arrest. Sgt. Amill instructed PO Santos to remove § 87(2)(b)'s vehicle to the stationhouse (**Allegation H and I: Abuse of Authority**, § 87(2)(g)).

At the 48th Precinct stationhouse, § 87(2)(b) asked PO Ramirez for his name and shield number, and he refused to provide her with this information (**Allegation J and K: Abuse of Authority**, § 87(2)(g)). While § 87(2)(b) was in the cells and PO Santos and PO Ramirez reviewed their body camera footage, § 87(2)(b) overheard PO Ramirez and PO Santos comment about § 87(2)(b)'s "ass" and "titties" (**Allegations L and M: Abuse of Authority**, § 87(2)(g)). An officer said that § 87(2)(b) sounded like a "little girl" (**Allegation N: Offensive Language**, § 87(2)(g)). § 87(2)(b) was released from the stationhouse with a desk appearance ticket for criminal possession of a weapon in the fourth degree.

§ 87(2)(g), § 87(4-b)

§ 87(2)(b) provided cell phone video of this incident (Board Reviews 01 through 04).

Body worn camera footage was received of this incident (Board Reviews 05 through 21).

§ 87(2)(b)

Findings and Recommendations

Allegation (A) Abuse of Authority: In the vicinity of 362 Bronx Park Avenue in the Bronx, Police Officer Rafael Santos refused to provide his name to § 87(2)(b)

Allegation (B) Abuse of Authority: In the vicinity of 362 Bronx Park Avenue in the Bronx, Police Officer Rafael Santos refused to provide his shield number to § 87(2)(b)

In the first video taken by § 87(2)(b) during the incident, § 87(2)(b) can be heard requesting PO Santos' name. PO Santos states, "It's right here." § 87(2)(b) informs PO Santos that she cannot see his name because his flashlight was blinding the camera. PO Santos did not otherwise provide his name to § 87(2)(b) during the video. § 87(2)(b) did not ask PO Santos for his shield number in the video. The video captured the timeframe when § 87(2)(b) would have requested PO Santos' shield number

§ 87(2)(b) (Board Review 22) stated that she asked PO Santos for his name and shield number while she was filming him and that he failed to provide it even after he informed her that she was unable to see it because of his flashlight.

PO Santos (Board Review 24) denied that § 87(2)(b) made any statements when he and PO Ramirez initially approached § 87(2)(b)'s vehicle. PO Santos did not remember if § 87(2)(b) ever requested his name and shield number at the location of the vehicle stop. PO Santos did not remember if he verbally provided this information to § 87(2)(b) at the location of the vehicle stop. § 87(2)(b) requested PO Santos' and other officers' names and shield numbers at the stationhouse, at which time he provided this information to her.

Officers are to courteously and clearly state their rank, name, shield number and command, or otherwise provide them, to anyone who requests them to do so, Patrol Guide Procedure 203-09, Public Contact – General (Board Review 31).

While § 87(2)(b) alleged that she asked for PO Santos' name and shield number, in the video she provided, she only requested his name. PO Santos never provided his name to § 87(2)(b) during the video. PO Santos also did not recall providing his name or shield number to § 87(2)(b) at any point during the stop. The video corroborated that PO Santos failed to provide his name to § 87(2)(b) in accordance with Department guidelines. In the video, nothing occurred that reasonably explained for PO Santos' failure to provide his name to § 87(2)(b) upon request. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (C) Force: In the vicinity of 362 Bronx Park Avenue in the Bronx, Police Officer David Ramirez used physical force against § 87(2)(b)

Allegation (D) Force: In the vicinity of 362 Bronx Park Avenue in the Bronx, Police Officer Rafael Santos used physical force against § 87(2)(b)

In PO Ramirez's, PO Barnett's, and PO Rodriguez's BWC videos, as well as in § 87(2)(b)'s cell phone videos, PO Ramirez and PO Santos can be heard telling § 87(2)(b) to exit the vehicle many times. § 87(2)(b) verbally and physically refuses to do so. PO Ramirez and PO Santos reach into the vehicle and pull § 87(2)(b) out. § 87(2)(b) steps out of the vehicle when PO Ramirez and PO Santos begin to make contact with him. It is unclear exactly where PO Ramirez and PO Santos made contact with § 87(2)(b). In PO Rodriguez's video, after § 87(2)(b) steps out of

the vehicle, § 87(2)(b) can be seen refusing to turn around and put his hands behind his back, despite instructions from officers to do so. PO Ramirez and PO Santos turn § 87(2)(b) around to face the vehicle and place him into handcuffs. In all of the videos, § 87(2)(b) begins yelling and cursing that the officers are not stronger than him, and that the officers should take off their badges.

§ 87(2)(b) (Board Review 23) acknowledged that he refused to exit the vehicle when requested to do so by PO Ramirez and PO Santos. § 87(2)(b) stated that he did not feel safe so he did not want to get out of the vehicle. PO Ramirez pulled § 87(2)(b) out of the vehicle by the collar of his shirt. The officers leaned § 87(2)(b) onto the vehicle, twisted his arms behind his back, and placed him into handcuffs.

§ 87(2)(b) acknowledged that § 87(2)(b) was “moving around” outside the vehicle, but stated that this was because he was confused. § 87(2)(b) denied that § 87(2)(b) resisted arrest.

PO Ramirez (Board Review 25) stated that both he and PO Santos instructed § 87(2)(b) to exit the vehicle multiple times, but § 87(2)(b) refused. PO Ramirez denied that he and PO Santos used any force to get § 87(2)(b) to exit the vehicle. § 87(2)(b) exited the vehicle voluntarily. PO Ramirez also denied that he used force to place § 87(2)(b) into handcuffs, but that he “guided” § 87(2)(b)'s hands behind his back. § 87(2)(b) passively resisted by tensing his hands by his sides to prevent the officers from putting him in handcuffs.

PO Santos stated that he and PO Ramirez issued § 87(2)(b) multiple instructions to exit his vehicle and he refused to comply. PO Santos and PO Ramirez grabbed § 87(2)(b)'s arms and pulled him out of the vehicle because he was not complying. PO Santos and PO Ramirez attempted to place § 87(2)(b) into handcuffs outside the vehicle and he refused to comply and kept his hands at his sides. PO Santos and PO Ramirez pulled § 87(2)(b)'s arms behind his back to place him into handcuffs. PO Santos and PO Ramirez did not use any additional force against § 87(2)(b).

PO Barnett's (Board Review 26) and PO Rodriguez's (Board Review 27) statements were consistent with that of PO Santos.

Courts have held that officers may exercise their discretion to require any driver who commits a traffic violation to exit the vehicle even though they lack any particularized reason for believing the driver possesses a weapon, New York v. Class, 475 U.S. 106 (1986), citing Pennsylvania v. Mimms, 434 U.S. 106 (1977) (Board Review 48).

The reasonableness of the use of force is based upon the totality of the circumstances known by the MOS at the time of the use of force. In determining whether the use of force is reasonable, members of the service should consider, among other factors, actions taken by the subject, Patrol Guide Procedure 221-01, “Force Guidelines (Board Review 32). When a member of the service must gain compliance, control, or custody of an uncooperative subject, the member should take necessary action to protect life and personal safety of all persons present, including subjects being placed into custody, and apply no more than the reasonable force necessary to gain control, Patrol Guide Procedure 221-02, “Use of Force (Board Review 33).

All parties' statements were consistent with video footage that § 87(2)(b) refused to exit the vehicle. The BWC footage also corroborates officer testimony that § 87(2)(b) refused to place his hands behind his back and became agitated when officers attempted to place him in handcuffs.

§ 87(2)(g)
§ 87(2)(b). Once out of the vehicle, § 87(2)(b) refused to comply with officers' instructions to turn around and place his hands behind his back.

§ 87(2)(g)

§ 87(2)(g)

Allegation (E) Discourtesy: In the vicinity of 362 Bronx Park Avenue in the Bronx, Police Officer David Ramirez spoke discourteously to § 87(2)(b)

In PO Ramirez's body worn camera footage, while he is struggling to place § 87(2)(b) into handcuffs, PO Ramirez tells § 87(2)(b) "Relax the fuck down."

PO Ramirez initially stated that he did not use any profanity while speaking with § 87(2)(b). Upon reviewing his body worn camera footage, PO Ramirez stated that he did not recall telling § 87(2)(b) "Relax the fuck down." When asked if he recognized the voice making the statement, PO Ramirez also responded that he did not recall.

Officers may be justified in using profanity to gain compliance with an order, DCT Case 79627/04 (Board Review 34).

As discussed above, PO Ramirez attempted to gain § 87(2)(b)'s compliance while placing him into handcuffs. PO Ramirez issued § 87(2)(b) numerous commands to put his hands behind his back and to relax prior to using profanity. § 87(2)(g)

Allegation (F) Force: In the vicinity of 362 Bronx Park Avenue in the Bronx, Police Officer Obrian Barnett used physical force against § 87(2)(b)

PO Barnett's first BWC video captures § 87(2)(b) attempting to run around him to the driver side of the vehicle where § 87(2)(b) is being placed under arrest. PO Barnett grabs § 87(2)(b)'s arm, pulls her back to the front of the vehicle, and then pushes her back and arm.

§ 87(2)(b) stated that PO Barnett pushed her chest while she was approximately five feet away from § 87(2)(b) and the other officers. § 87(2)(b) was in front of the vehicle and not moving closer to § 87(2)(b).

PO Barnett stated that he believed § 87(2)(b) tried to interfere with § 87(2)(b)'s arrest and he instructed her to stop multiple times. PO Barnett put his hand out and told § 87(2)(b) to stay back. § 87(2)(b) attempted to run around PO Barnett towards the other officers who were placing § 87(2)(b) under arrest. PO Barnett grabbed § 87(2)(b)'s arm and pulled her back to the front of the vehicle to prevent her from interfering with § 87(2)(b)'s arrest.

The reasonableness of the use of force is based upon the totality of the circumstances known by the MOS at the time of the use of force. In determining whether the use of force is reasonable, members of the service should consider, among other factors, actions taken by the subject, Patrol Guide Procedure 221-01, "Force Guidelines (Board Review 32). When a member of the service must gain compliance, control, or custody of an uncooperative subject, the member should take necessary action to protect life and personal safety of all persons present, including subjects being placed into custody, and apply no more than the reasonable force necessary to gain control, Patrol Guide Procedure 221-02, "Use of Force (Board Review 33).

While § 87(2)(b) stated she was five feet away from PO Barnett when he used force against her, PO Barnett's BWC footage is consistent with his statement that she tried to run around him towards § 87(2)(b) and other officers. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (G) Abuse of Authority: In the vicinity of 362 Bronx Park Avenue in the Bronx, Police Officer Obrian Barnett threatened to arrest § 87(2)(b)

PO Barnett's BWC footage captures him threatening to arrest § 87(2)(b) if she attempted to interfere with § 87(2)(b)'s arrest again.

PO Barnett stated that he threatened to arrest § 87(2)(b) for obstructing governmental administration (OGA). PO Barnett explained that § 87(2)(b) would have been arrested for OGA if she prevented § 87(2)(b) from being placed in handcuffs.

A person is guilty of obstructing governmental administration when they intentionally obstruct, or pervert the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, NYS CLS Penal, Section 195.05, "Obstructing Governmental Administration in the Second Degree" (Board Review 35).

If § 87(2)(b) had interfered with § 87(2)(b)'s arrest, she would have been preventing the officers, who are public servants, from performing their official function of arresting him. § 87(2)(b)

(g)

Allegation (H) Abuse of Authority: In the vicinity of 362 Bronx Park Avenue in the Bronx, Sergeant Frank Amill seized § 87(2)(b)'s property.

Allegation (I) Abuse of Authority: In the vicinity of 362 Bronx Park Avenue in the Bronx, Police Officer Rafael Santos seized § 87(2)(b)'s property.

This allegation was pleaded against Sgt. Amill because PO Ramirez stated that Sgt. Amill instructed PO Santos to remove § 87(2)(b)'s vehicle to the stationhouse.

It is undisputed that § 87(2)(b)'s vehicle was removed to the stationhouse. It is also undisputed that § 87(2)(b) had a temporary license plate in the back window of his vehicle.

§ 87(2)(b) stated that he parked his vehicle in a legal parking spot when he was pulled over and that he requested the officers leave the vehicle there rather than remove it to the stationhouse.

§ 87(2)(b) only had a learner's permit at the time of this incident and would not have been able to drive the vehicle.

PO Santos believed that § 87(2)(b) was parked in front of a fire hydrant. § 87(2)(b)'s vehicle was removed to the stationhouse because he was under arrest and the officers could not give the vehicle to another civilian on scene. PO Santos did not remember if the officers checked the registration of the vehicle. PO Santos drove the vehicle to the stationhouse. § 87(2)(b) did not ask officers to give his vehicle to another civilian.

PO Ramirez stated that Sgt. Amill instructed PO Santos to remove the vehicle to the stationhouse. PO Ramirez stated that vehicles are always removed to the stationhouse when someone is arrested in a vehicle. PO Ramirez denied that § 87(2)(b) was in a legal parking spot.

Sgt. Amill (Board Review 28) did not have any memory of this incident. Sgt. Amill stated that it was officers' responsibility to safeguard an individual's property.

§ 87(2)(b) was arrested for operating the vehicle without a license (Board Review 29).

In PO Barnett's BWC from approximately 03:00 to approximately 03:15, a fire hydrant can be seen less than 15 feet away from § 87(2)(b)'s vehicle.

Courts have held that a vehicle can be seized when there is a reasonable basis to believe that the vehicle itself is evidence of a crime, the vehicle cannot be operated because it is unregistered or uninspected, the vehicle was involved in a fatal automobile accident, or the vehicle was driven by an unlicensed driver or a driver whose license is suspended and there is no one who is legally able to drive the vehicle, People v. Confessore, 824 N.Y.S.2d 769 (2006) (Board Review 36).

Officers may safeguard a vehicle not required for evidence at the stationhouse for up to 48 hours, Patrol Guide Procedure 218-12, "Safeguarding Vehicles in Police Custody" (Board Review 37).

§ 87(2)(b) testified that he asked the officers to leave his car at the location and not that another civilian take the vehicle. § 87(2)(b) would not have been able to drive the vehicle because she only had a learner's permit and not a driver's license. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (J) Abuse of Authority: At the 48th Precinct stationhouse, Police Officer David Ramirez refused to provide his name to § 87(2)(b)

Allegation (K) Abuse of Authority: At the 48th Precinct stationhouse, Police Officer David Ramirez refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) stated that she asked PO Ramirez to provide all of the officers' names and shield numbers, including his own. PO Ramirez told § 87(2)(b) that he was not allowed to provide this information to her. § 87(2)(b) asked Sgt. Amill for the officers' information and he instructed PO Ramirez to write all of the officers' names and shield numbers down on a piece of paper, which he did. § 87(2)(b) provided a photo of the piece of paper during her interview (Board Review 30).

PO Ramirez stated that § 87(2)(b) requested his information and he voluntarily wrote his name and shield down for her.

Sgt. Amill did not remember this incident.

While it is undisputed that § 87(2)(b) received a piece of paper with PO Ramirez's information written on it, PO Ramirez should have provided this information upon request, not after being instructed to by a supervisor. § 87(2)(b) and PO Ramirez's statements are inconsistent regarding whether or not PO Ramirez provided his name and shield number upon request, or after being instructed to by a supervisor. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (L) Abuse of Authority: At the 48th Precinct stationhouse, Police Officer David Ramirez made sexually suggestive remarks regarding § 87(2)(b)

Allegation (M) Abuse of Authority: At the 48th Precinct stationhouse, Police Officer Rafael Santos made a sexually suggestive remark regarding § 87(2)(b)

§ 87(2)(b) stated that, while he was in the cells, PO Ramirez and PO Santos were reviewing their BWC footage in a nearby room with the door open. § 87(2)(b) heard PO Ramirez

and PO Santos laugh at portions of the clip where § 87(2)(b) alleged that PO Barnett touched her breast when he pushed her. § 87(2)(b) heard PO Santos make a comment about § 87(2)(b)'s "ass." PO Santos came to fingerprint and photograph § 87(2)(b). § 87(2)(b) told PO Santos that he heard him and PO Ramirez talking about § 87(2)(b)'s "ass." PO Santos went back to the room where he and PO Ramirez reviewed their BWC footage and told PO Ramirez that § 87(2)(b) heard them. PO Santos told PO Ramirez that they could not make any more "ass" or "titty" jokes.

PO Santos denied that he reviewed his BWC footage while processing § 87(2)(b)'s arrest. PO Santos denied that he made any statements about § 87(2)(b)'s physical appearance. PO Santos did not hear PO Ramirez make any comments about § 87(2)(b)'s physical appearance or comments about § 87(2)(b)'s "ass." While fingerprinting § 87(2)(b), § 87(2)(b) asked PO Santos if he made comments about § 87(2)(b)'s physical appearance. PO Santos told § 87(2)(b) that he did not. PO Santos told the PO Ramirez to be quiet because § 87(2)(b) complained about them making comments about § 87(2)(b).

PO Ramirez confirmed that he reviewed his BWC footage while processing § 87(2)(b)'s arrest because he had to edit the "details" box for this incident. PO Ramirez denied that he ever made any comments about § 87(2)(b)'s physical appearance. PO Ramirez denied that he made any comments about § 87(2)(b)'s "ass" or "titties." PO Ramirez denied that he heard any other officers make comments of that nature. PO Santos never told PO Ramirez that § 87(2)(b) was upset that officers were making comments about § 87(2)(b)'s physical appearance.

There are several CCRB complaints against PO Ramirez and PO Santos for alleged unprofessional and inappropriate behavior, along with PO Moses (Board Review 49). § 87(2)(b)

§ 87(2)(b) In CCRB case 201901103, filed independently of § 87(2)(b) and § 87(2)(b)'s complaints by § 87(2)(b) it was alleged that PO Ramirez, PO Santos, and PO Moses stopped a vehicle and that PO Moses waved and winked at a female occupant of the vehicle, § 87(2)(b) and stated, "She does look good." In CCRB case 201905179, also filed by § 87(2)(b) it was alleged that PO Santos had sexual relations with a domestic violence victim, § 87(2)(b) and that PO Moses had sexual relations with her after PO Santos. In CCRB case 201902570, filed independently of § 87(2)(b) and § 87(2)(b)'s complaints by § 87(2)(b) it was alleged that during a car stop conducted by PO Ramirez and PO Santos, one of them used physical force against § 87(2)(b) and stated, "I do this to niggers like you every day," and that § 87(2)(b) mother, "sucks [his] nut." It was further alleged that PO Ramirez dumped the individual's marijuana on the floor and took \$200 from him, which was referred to IAB under CCRB case § 87(2)(b). In CCRB case 201906210, filed independently of § 87(2)(b) and § 87(2)(b)'s complaints by § 87(2)(b) PO Ramirez responded to a 911 call and allegedly threatened to remove § 87(2)(b) to the hospital and call ACS. When leaving, PO Ramirez allegedly made a heart shape with his hands to § 87(2)(b) in a mocking gesture. In CCRB case 201900416, filed independently of § 87(2)(b) and § 87(2)(b)'s complaints by § 87(2)(b) it was alleged that PO Ramirez spoke discourteously to § 87(2)(b) made comments to § 87(2)(b)

based on race, searched § 87(2)(b) vehicle, searched § 87(2)(b) recording device, and improperly took a photo of § 87(2)(b).

Officers are to interact with member of the public in a professional manner, Patrol Guide Procedure 203-09, “Public Contact – General” (Board Review 31). Sexual harassment includes, but is not limited to, sexually suggestive remarks, Patrol Guide Procedure 205-36, “Employment Discrimination” (Board Review 38).

Courts have held that comment’s objectifying women’s bodies and exposing them to sexual ridicule are a form of gender discrimination, which is a form of sexual harassment, Mihalik v. Credit Agricole Cheuvreux N. Am., Inc., 715 F.3d (2013) (Board Review 52).

This allegation was pleaded as sexually suggestive remarks because lewd or sexual comments about an individual’s appearance or body are a form of sexual harassment. While PO Ramirez and PO Santos allegedly made the comments in conversation with one another, the comments were allegedly made within earshot of § 87(2)(b) who is in a relationship with § 87(2)(b) and would understandably be affected by hearing them.

While PO Ramirez and PO Santos both denied that they made sexually suggestive comments about § 87(2)(b) PO Santos admitted that § 87(2)(b) complained of this and that he told PO Ramirez that they needed to be quiet because § 87(2)(b) made such complaints. While PO Santos denied that he reviewed his BWC, PO Ramirez confirmed that officers were responsible for reviewing their BWC and editing the “details” box for this incident. § 87(2)(g)

Allegation (N) Offensive Language: At the 48th Precinct stationhouse, an officer made remarks regarding § 87(2)(b) based upon his gender.

§ 87(2)(b) stated that he heard an officer say that he sounded like a “little girl” while the officers were reviewing their BWC footage. § 87(2)(b) was not sure of the identity of this officer.

PO Ramirez and PO Santos denied stating that § 87(2)(b) sounded like a “little girl.”

No other officer testified that they heard an officer refer to § 87(2)(b) as a “little girl.”

There were no witnesses to this statement and it was not captured on video.

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to two CCRB complaints. This is the first case in which § 87(2)(b) has been named a victim (Board Review 40).
- § 87(2)(b)
 - § 87(2)(b)
 - § 87(2)(b)
 - § 87(2)(b)
 - § 87(2)(b)
 - § 87(2)(b)
- PO Ramirez has been a member of service for two years and has been a subject in 9 cases and 30 allegations. As of September 12, 2019, none had been substantiated, however six of the cases were still pending closure (Board Review 42).
 - CCRB case number 201801146 involved a force allegation and was closed pending litigation.
 - CCRB case number 201900416 involved a vehicle search allegation, discourtesy allegation, offensive language allegation, a search of recording device allegation, and a photography allegation. As of September 12, 2019, the investigation was ongoing.
 - § 87(2)(b)
 - CCRB case number 201901103 involved allegations of threat of force, discourtesy, refusal to provide name, and refusal to provide shield number, all of which were unsubstantiated. PO Ramirez was cited for improperly using his body worn camera. This case is also in Panel 11A-2019.
 - § 87(2)(b)
 - CCRB case number 201902570 involved a vehicle stop allegation. As of September 12, 2019, this investigation was still ongoing.

- § 87(2)(b)
- CCRB case number 201906210 involved two threat of arrest allegations, a threat to notify ACS allegation, two discourtesy allegations, and one threat to remove to hospital allegation. As of September 12, 2019, the investigation was ongoing.
- PO Santos has been a member of the service for one year and has been a subject in five cases and 14 allegations (Board Review 43). As of September 12, 2019, none of the allegations had been substantiated, however none of the cases had been reviewed by the board.
 - CCRB Case number 201901103 involved allegations of a vehicle stop, threat of force, and failure to provide a business card. It was recommended that the allegations of vehicle stop and threat of force were unsubstantiated. It was recommended that the failure to provide business card allegation was unsubstantiated. PO Santos was also cited for improperly using his body worn camera. This case is also in Panel 11A-2019.
 - § 87(2)(b)
 - CCRB case number 201902570 involved a physical force allegation. As of September 12, 2019, this investigation was still ongoing.
 - CCRB case number 201905179 involved a sexual misconduct allegation. This case was closed as alleged victim unavailable.
- PO Barnett has been a member of service for four years and this is the first CCRB complaint to which he has been a subject (Board Review 44).
- Sgt. Amill has been a member of the service for 13 years and has been a subject in seven cases and thirteen allegations, three of which were substantiated (Board Review 45).
 - CCRB case number 200705229 involved a question/stop allegation which was exonerated.
 - CCRB case number 201009326 involved a force allegation which was closed as alleged victim uncooperative.
 - CCRB case number 201017481 involved allegations of threat of force, frisk, and search of person. The threat of force and search were unsubstantiated. The frisk allegation was substantiated and it was recommended that he receive instructions. Sgt. Amill was also cited for failure to prepare a memo book entry, for which he received instructions.
 - CCRB case number 201506961 involved a vehicle stop, threat of arrest, frisk, and search of person. The threat of arrest was unsubstantiated. The vehicle stop, frisk, and search of person were all exonerated.
 - CCRB case number 201600793 involved an allegation of a strip search, which was substantiated. Sgt. Amill was found guilty in an APU trial and forfeited 12 vacation days.
 - CCRB case number 201602190 involved a strip search allegation, which was substantiated. Sgt. Amill received formalized training.
 - Sgt. Amill has been promoted to the rank of lieutenant since this incident.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of March 29, 2019, the New York City Office of the Comptroller had no record of a Notice of Claim being filed regarding this incident (Board Review 46).
- § 87(2)(b) has no criminal convictions in New York City.

- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date